IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7713 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SEEMA KRISHNARAO SALUNKE

Versus

ROTARY EYE INSTITUTION

Appearance:

MR SHASHIKANT S GADE for Petitioner

MR SUNIL C PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 16/04/2001

ORAL JUDGEMENT

#. Heard Shri Shashikant S.Gade for the petitioner and Shri Sunil C.Patel for the respondent on admission of this petition.

#. In this petition, order dated 12-5-2000 of the Presiding Officer, Labour Court Navsari is under challenge. It is in the nature of interlocutory order passed under sec.36(3) of the Industrial Disputes Act. An application Ex.51 was given by the petitioner before the Labour Court challenging participation of the legal practitioner in the proceedings on behalf of the respondent.

#. No doubt, sec.36(3) of the Industrial Disputes Act provides that, no party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this act or in any proceeding before a court. But, it has to be remembered that for a period of ten years, no such objection was raised by the petitioner that Shri Satisbhai Pandya is not entitled to appear on behalf of the Honorary Secretary of the Trust. In a detailed order, the Labour Court has observed that prior to the making of application Ex.51, Shri Satishbhai Pandya, advocate was appearing on behalf of the respondent and was making necessary endorsement on documents, etc. from time to time. Ex.46 (Annexure-'D') is the authority letter by the Honorary Secretary of the Trust addressed to the Labour Officer, Navsari authorizing Shri Satishbhai Pandya to appear as representative on behalf of the Trust. In Reference No.265/89, this authority letter was accepted by the Labour Court. It was issued on 24-2-1997. If the Labour Court had accepted this authority letter and permitted Shri Pandya to appear on behalf of the respondent herein, I do not find any reason to interfere with the impugned order.

#. Shri Shashikant S.Gade for the petitioner has relied upon a decision of this Court in J.B.TRANSPORT CO. v. SHANKERLAL 1993(3) GLR 2019. In this case, it was held that permitting an advocate to appear in the guise of being office bearer of employers' association would defeat the object of sec.36(3) prohibiting appearance of legal practitioner. It was held that appearance by such person was rightly refused by the Labour Court. The facts before me are, however, altogether different. No such objection was raised that Shri Satishbhai Pandya could not appear on behalf of the respondent herein for a period of ten years. The Labour Court, therefore, rightly observed that, application Ex.51 was moved only with a view to delay the proceedings.

#. I do not find any ground for interference in the impugned order. The petition is, therefore, summarily rejected. No order as to cost.

April 16, 2001. [D.C. Srivastava, J.]

/sakkaf